

value of the assets of the corporation; and that the corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operation.²

The above named corporation fails to qualify as a citizen within the meaning of § 67.39(c) by reason of:³

____ Non-citizen President
 ____ Non-citizen Chairman of Board
 ____ Failure to meet quorum requirements
 ____ Failure to meet stock ownership requirements

Signature _____
 Subscribed and sworn to before me on the day and year shown _____

 (Notary Public)
 Date _____

[CGD 80–107, 47 FR 27511, June 24, 1982, as amended by USCG–2002–13058, 67 FR 61279, Sept. 30, 2002; USCG–2003–14505, 68 FR 9535, Feb. 28, 2003]

APPENDIX B TO SUBPART 68.01 OF PART 68—OATH OF PARENT OR SUBSIDIARY CORPORATION ACT OF SEPTEMBER 2, 1958 (46 U.S.C. 883–1)

Department of Homeland Security, U.S. Coast Guard

Oath of Parent or Subsidiary Corporation,
 Act of September 2, 1958 (46 U.S.C. 883–1)

Corporation:
 Name _____
 Address _____
 State of incorporation _____
 Status (Parent)¹ _____ (Subsidiary)² _____
 Name of associated corporation _____
 Address _____
 State where incorporated _____

² Attach the required list of the names of all officers and directors of the corporation, giving the home address and citizenship of each.

³ Check appropriate line or lines.

¹ A “parent corporation” for the purposes of this oath is one incorporated under the laws of the United States, or any State, territory, or district of the United States, which controls (directly or indirectly) at least 50 percent of the voting stock of another corporation. Strike out the inapplicable term.

² A “subsidiary corporation” for the purposes of this oath is one incorporated under the laws of the United States, or any State, territory, or district of the United States, which has not less than 50 percent of its voting stock controlled (directly or indirectly) by another corporation. Strike out the inapplicable term.

Affiant:

Name _____
 Address _____
 Company _____
 Title or capacity _____

I, the affiant named above, swear that the corporation first named herein is the (parent)¹ (subsidiary)² of the associated corporation named, that I am the duly authorized officer or agent of the corporation first named, and that the associated corporation has previously established that it is a citizen within the meaning of the Act of September 2, 1958 (46 U.S.C. 883–1).

Signature _____
 Subscribed and sworn to before me on the day and year shown _____

 (Notary Public)

[CGD 80–107, 47 FR 27511, June 24, 1982, as amended by USCG–2003–14505, 68 FR 9535, Feb. 28, 2003]

Subpart 68.03—[Reserved for Regulation, as Necessary, of Vessels Documented Under the Act of August 9, 1954]

Subpart 68.05—Documentation of Certain Vessels for Oil Spill Cleanup

SOURCE: CGD 90–055, 57 FR 7642, Mar. 3, 1992, unless otherwise noted.

§ 68.05–1 Purpose and scope.

This Subpart contains citizen ownership requirements and procedures to allow documentation of vessels which do not meet the requirements of part 67 of this chapter. The requirements are for the limited purposes of training for, implementing, and supporting oil spill cleanup operations.

§ 68.05–3 Definitions for purposes of this subpart.

Certificate of Documentation means form CG–1270.

Citizen means a citizen as described in part 67 of this chapter.

Exclusive Economic Zone or *EEZ* means the exclusive economic zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as “eastern special areas” in Article 3(1) of the Agreement between the United States of America

and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

Not-for-profit oil spill response cooperative means a corporation, partnership, association, trust, joint venture, or other entity established under the laws of the United States, or of a State, with a not-for-profit status and for the limited purposes of training for, carrying out, and supporting oil spill cleanup operations or related research activities.

§ 68.05-5 Citizenship requirements for limited coastwise endorsement.

(a) Notwithstanding the citizenship requirements set out in part 67 of this chapter, a Certificate of Documentation with a coastwise endorsement for the limited purposes provided in § 68.05-9 may be issued to a vessel owned by—

(1) A not-for-profit oil spill response cooperative if the vessel meets the requirements of paragraph (b) of this section; or

(2) A member or members of a not-for-profit oil spill response cooperative if the vessel meets the requirements of paragraphs (b) and (c) of this section.

(b) The vessel must be at least 50 percent owned by one or more of the following entities:

(1) An individual who is a native-born, naturalized or derivative citizen of the United States or otherwise qualifies as a United States citizen.

(2) A corporation incorporated under the laws of the United States or of a State where—

(i) The president and, if the president is not the chief executive officer, the chief executive officer, by whatever title, is a citizen;

(ii) The chairman of the board of directors is a citizen; and

(iii) No more of the directors are non-citizens than a minority of the number necessary to constitute a quorum.

(3) A partnership where all the general partners are citizens and at least 50 percent of the equity interest is owned by citizens.

(4) An association or joint venture where all the members are citizens.

(5) A trust where all the trustees and all the beneficiaries with an enforceable interest in the trust are citizens.

(c) The vessel must be owned by a member or members of a not-for-profit oil spill response cooperative who dedicate the vessel to the use of a not-for-profit oil spill response cooperative.

(d) A vessel which meets the criteria of this section is considered to be owned exclusively by citizens of the United States for the purposes of subsequent transfer and documentation under part 67 of this chapter.

§ 68.05-7 Vessel eligibility requirements for limited coastwise endorsement.

(a) A vessel must comply with all the requirements of part 67 of this chapter, other than citizenship requirements, in order to be eligible for documentation under this subpart.

(b) Notwithstanding 46 U.S.C. App. 883, a vessel remains eligible for documentation under this subpart even if the vessel was formerly owned by a not-for-profit oil spill response cooperative or by one or more members of a not-for-profit oil spill response cooperative and the vessel meets the criteria of § 68.05-5.

§ 68.05-9 Privileges of a limited coastwise endorsement.

(a) A vessel which is documented and issued a limited coastwise endorsement under this subpart may operate on the navigable waters of the United States or in the EEZ in coastwise trade only for the following purposes:

(1) To recover oil discharged into the water.

(2) To transport oil discharged into the water.

(3) To transport and deploy equipment, supplies, and personnel for recovering and transporting oil discharged into the water.

(4) To conduct training exercises to prepare for performing the functions in paragraphs (a)(1) through (a)(3) of this section.

(b) This limited coastwise endorsement also entitles the vessel to any other employment for which a registry, fishery, or Great Lakes license is not required.

(c) A vessel which is documented and issued a limited coastwise endorsement under this subpart may qualify to operate for other purposes by meeting the